



Certified Professional Guardian Board Planning Meeting

Monday, April 8, 2013 (9:00 a.m. – 3:00 p.m.)
SeaTac Office, WA

Meeting Minutes

Chair

Judge James Lawler, Chair
Judge Robert Swisher, Vice Chair

Members Absent

Ms. Carol Sloan

Members Present

Comm. Rachele Anderson
Ms. Robin Balsam
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochran
Ms. Nancy Dapper
Mr. Andrew Heinz
Mr. Bill Jaback
Judge Sally Olsen
Ms. Emily Rogers

Staff

Ms. Shirley Bondon
Ms. Kim Rood

1. Call to Order

Judge Lawler called the meeting to order.

2. Board Business

Approval of Minutes

Judge Lawler asked for changes or corrections to the March 11, 2013 proposed minutes. He asked that a misspelled name be corrected.

Motion: *A motion was made and seconded to approve minutes from the March 11, 2013 meeting with one correction. The motion passed.*

3. Public Comment Period. Written comments are attached.

4. Define “Meaningful Visit” for Individual and Agency Professional Guardians

The Board discussed who should perform the monthly in-person visit to each Incapacitated Person (IP) as required by regulations. Standards developed by the National Guardianship Association state that the professional guardian should make the visit, but some members of the Board believe it is not realistic to expect the professional guardian to visit monthly. Thus the Regulations Committee was asked to provide a reasonable alternative. In response to that question, the Regulations committee provided proposed SOP 404.3.

Proposed New SOP 404.3 A certified professional guardian or certified professional guardian agency may delegate the responsibility for in-person visits with a client to: (a) an employee of the certified professional guardian or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court.

In all cases, before the delegation, a certified professional guardian with final decision-making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate. The documentation shall be: (a) dated and signed by the certified professional guardian, (b) placed in the guardian's file for that client, and (c) available to the Certified Professional Guardian Board.

The proposed standard of practice was discussed at length by the Board.

Motion: *A motion was made and seconded to post Proposed SOP 404.3 Meaningful Visit as proposed out for public comment. The motion failed.*

Motion: *A motion was made and seconded to send Rule 404.3 Meaningful Visit as proposed, to the public for comment with the addition of the language, after sub-section a of the first paragraph, that states "a non-Certified Professional Guardian employee". The motion passed.*

5. Standby Guardians

Regulations Committee members proposed the regulations provided below to address the concern about a person who was not a certified professional guardian serving as a Standby Guardian for a Certified Professional Guardian.

SOP 401.6 All certified professional guardians ~~and guardian agencies~~ have a duty by statute to appoint a standby guardian. ~~In appointing a standby guardian it is the best practice to appoint a certified professional guardian unless otherwise authorized by the local court with jurisdiction~~

401.6.1 All certified professional guardians shall appoint a standby guardian who is a certified professional guardian who accepts the appointment and has the skills, experience and availability to assume responsibility as court-appointed guardian per statutory requirements.

401.6.2 The standby guardian will serve when the guardian cannot be reached in an emergency, during planned absences and at the death or incapacity of the guardian.

401.6.3 The certified professional guardian will ensure that in his or her planned or unplanned absence the standby guardian shall have access to

records and information needed to address the needs of the incapacitated person.

After the Board discussed the proposal, the Chair suggested tabling further discussion until the Board's May meeting, at which time, the Board should know the final status of pending legislation which affects the proposed rule.

Responsibilities of Certified Professional Guardian Agencies The Regulations Committee presented a proposed Standard of Practice addressing the responsibilities of owners of Certified Professional Guardian Agencies. Prior to reviewing the proposed Standard of Practice the Board felt it important to decide if non-professional guardians should be allowed to own professional guardian agencies. If not, what should the Standard of Practice prohibiting ownership say? If yes, what mechanisms are needed to ensure adherence to guardian standards of practice?

Motion: *A motion was made and seconded that guardianship agencies are required to be owned 100 percent by Certified Professional Guardians. The motion passed.*

The Regulations Committee was asked to revise the proposed standard of practice and resubmit.

6. Executive Session (Closed to Public)

7. Reconvene and Vote on Executive Session Discussion (Open to Public)

Applications Committee

Individual Applications

Sally Denton

Motion: *A motion was made and seconded to approve the application of Sally Denton. The motion passed.*

Agreement Regarding Discipline

Pam Privette CPG #9714 and Sound Guardianship, LLC CPGA #10722

Motion: *A motion was made and seconded to approve the Agreement Regarding Discipline for Pam Privette and Sound Guardianship, LLC. The motion passed. (Agreement attached)*

Complaints

Appeal of Katherine Heath

Motion: *A motion was made and seconded to deny the appeal of Katherine Heath. The motion passed.*

8. Transparency of the Board and Disciplinary Proceedings Considering the UDA (Universal Disciplinary Act)

The Supreme Court is developing a public records rule for the Judicial Branch, GR 31. The Supreme Court denied the Board's request that it not be subject to GR 31, but approved including the Board's public disclosure exemptions in the rule.

The Supreme Court received numerous public comments regarding the need for greater public disclosure of Board disciplinary records. Several comments supported a proposal to amend proposed GR 31.1 so that public access to professional guardian records would be governed by the Uniform Disciplinary Act (UDA). The Supreme Court asked the Board to submit written public comments responding to the proposal. The Board responded and issues related to public disclosure of guardian disciplinary records were discussed.

The comparisons were discussed. (Page 60 of meeting materials).

9. Financial Standards for CPGs.

In 2012 the Board adopted a new regulation requiring all applicants to submit a credit report and score. To date, each time the Applications Committee meets, there are more and more questions asked regarding what exactly the Board should be looking for, and what are the key points in determining whether an applicant is financially responsible. The Applications Committee has requested more guidance from the Board.

Also, should the Board be asking more from the current Certified Professional Guardians, such as requiring possible background checks and updates of credit scores?

The Board will need to look at either changing some regulations or adding some regulations that deal with existing Certified Professional Guardians producing information on whether or not they have declared bankruptcy, and what is their current credit score. This would take place during the re-certification process.

The Board would like to keep this issue in the forefront of Board business and consider possible changes in the Regulations.

10. Wrap Up

11. Adjourned

Meeting was adjourned. Next meeting is scheduled for May 13, 2013. It will be a teleconference.

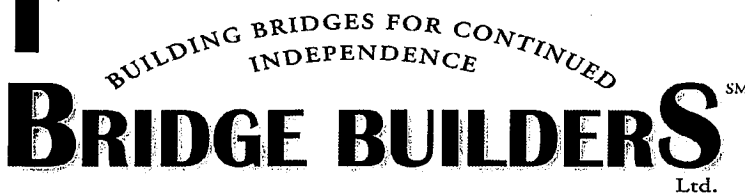
Recap of Motions from April 8, 2013 Meeting

Motion Summary	Status
<i>Motion: A motion was made and seconded to approve the Minutes of March 11, 2013. The motion passed.</i>	Completed
<i>Motion: A motion was made and seconded to approve the application of Sally Denton. The motion passed.</i>	Completed

Motion Summary	Status
Motion: A motion was made and seconded to approve the Agreement Regarding Discipline for Pam Privette and Sound Guardianship, LLC. The motion passed.	Completed
Motion: A motion was made and seconded to deny the appeal of Katherine Heath. The motion passed.	Completed
Motion: A motion was made and seconded to post proposed SOP 404.3 Meaningful Visit for public comment. The motion failed.	No action required
Motion: A motion was made and seconded to post a revised version of Proposed SOP 404.3 Meaningful Visit as proposed, for public comment. The motion passed.	In process

Action Item Summary	
Staff will post the proposed SOP 404.3 Meaningful Visit with additional language, after sub-section A, for public comment.	In process

Public Comments



- **Mindi R. Blanchard, M.Ed., CPG**
President

April 11, 2013

Certified Professional Guardian Board
Administrative Office of the Courts
PO Box 41170
Olympia WA 98504-1170

Re: Public Comments

Dear Judge Lawler,

I had been unaware that there was a time limit on the public comments, so I am submitting my full talk from April 8, 2013 and requesting that this be put into the minutes:

Good Morning and thank you for allowing me to speak to you today. My name is Mindi Blanchard and I am President of Bridge Builders, Ltd, a guardian agency located in Sequim on the North Olympic Peninsula. I have been a CPG since 2002 and Bridge Builders, Ltd. celebrated its 10th anniversary in business in January. We have been providing an annual two-day CPG continuing education conference since 2004 and also provide some additional continuing education.

I read the board meeting documents and minutes faithfully and I have been very concerned about the negative public opinion regarding professional guardians. We at Bridge Builders, Ltd. strive for best practices, not just the minimum standards of practice. We have built a good reputation as ethical guardians in our community. We practice transparency by putting our documentation directly onto our monthly invoices so that there is no question about what is being billed. We have no problem providing our invoices and financial reports to clients or appropriate other parties when requested. When families go to some local attorneys regarding a possible guardianship for a family member, these attorneys will often ask them to talk with us first because we are willing to explain the guardianship process and sometimes we can even give them suggestions on how to use their current power of attorney [if they have one] to make the situation work a while longer, possibly getting them past the current difficult period. We will look up the CPGs in their area and strongly suggest they interview them and even give them questions to ask. I consider this good business marketing and we don't expect to become the guardian in these potential guardianships. In our work with our clients we consider everyone involved with our clients from facilities to medical professionals to

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family members as part of our overall team to benefit our clients. I have literally received calls from all over the State and from other parts of the country asking if there is a business like ours in their area. Unfortunately, you can't franchise this type of business because working with people is not like making hamburgers at McDonald's.

I, too, am concerned about the industry of guardianship because of what I see and hear.

I have found myself saying that someone needs to develop a mentoring program for new guardians; someone needs to provide a venue where guardians can get concrete help when they find themselves in a situation that is over their heads or they get into trouble; someone needs to find a way to provide financial assistance for continuing education and for liability insurance to those guardians who are struggling financially; someone needs to develop a place where guardians can get "best practices" guidelines on how to conduct their practice; someone should see that exemplary guardians get rewarded for a job well done; someone should collect and distribute success stories so that the public will have a balanced view of guardians.

I kept looking for that "someone" to materialize, and I finally found that "someone"... me.

Because of this revelation, I have decided to start a non-profit component of Bridge Builders, Ltd in order to develop programs and provide needed support to help guardians be the best that they can be, not only as guardians but also in business. While guardianship and business seem to be two different things, a CPG can be the best guardian in the world but if he or she can't run a successful business, that guardian is doomed to fail. All guardians who own a business, whether a solo practice or an agency, are an entrepreneurs. Statistics show that 80% of all new businesses fail within five years. Guardianship businesses are not exempt from this.

Six years ago when my business partner left, Bridge Builders was in dire straits. I didn't know if I was going to be able to save the business. But somewhere along the way I developed a passion for this business and with the help of a business advisor and a lot of hard work I have built my business into what it is today... something my staff and I can be proud of. In fact, my business improvement prompted my business advisor to nominate me for the SBA Small Business Person of the Year Award for 2011. My tiny little business competed against multi-million dollar "small" businesses and here was Bridge Builders, Ltd. on the finalist short list. I realized then that I am in a unique position to help other guardians who are struggling.

Sometimes when the guardian board updates or develops a standard of practice I'm challenged to figure out how to make the new or changed standard work in the context of my business and I know that I am not alone. I'm not suggesting that the CPG board do things differently but I want a venue where we experienced guardians can use our collective knowledge in guardianship and in business to sort through such issues, develop illustrations of how these changes might look in various business settings and then make them available to less experienced guardians.

I think that CPGs can be instrumental in assisting lay guardians who don't have the education or benefit of extensive experience and training. This year, for the first time, a

lay guardian attended part of the Bridge Builders conference. She said that lay guardians need this kind of continuing education as well. Lay guardians are often caregivers so being away for any length of time might not be an option. But I want to figure out a way to make the expertise of CPGs and make continuing education accessible to lay guardians.

I also think that specially trained CPGs can be instrumental in providing structure to identified individuals with traumatic brain injury, mental illness or the developmentally disabled in order to stabilize their situations and improve their lives thereby lowering the rate of recidivism through jail and mental health crisis centers and helping them become contributing members of society. After witnessing the amazing improvement in one of our guardianship clients, of whom we were told by medical professionals and more experienced guardians that there was no hope, I think that this is a very real possibility and I want to try for grants to see if I'm right.

I proposed my idea to the 75 attendees at our March CPG continuing education conference and received positive feedback. I want to let you know of my vision and, if you would like, I would be happy to provide periodic updates.

Sincerely,

Mindi R. Blanchard, M.Ed., CPG

One View of Public Disclosure

Every piece of withheld information *risks* making the “big picture” harder to understand, for all concerned.

Questions on Complaint Processing, Learned from Studying the WA Health Department's UDA

1. What is the percentage of complaints dismissed without investigation? Are these “unfounded” complaints. What are the consequences, costs of these complaints?
See page 2.
2. What is the meaning of “Serious Disciplinary Actions” for practitioners, for a profession? Is the rate unusually high for professional guardians?
See page 3.
3. The time required to finalize disciplinary action can be many months, even multiple years. This appears to be true for all professions. What is the consequence, from a “policy” point of view, of delayed disclosure?
4. What could be learned from studying other professions? In Washington State, or Nationally? e.g., CPA accountants, financial advisors, attorneys, Judges.

One Advocate's View of Factors That Make Better Boards “Better”

1. Adequate funding (all money from license fees going to fund board activities instead of going into the state treasury for general purposes)
2. Adequate staffing
3. Proactive investigations rather than only reacting to complaints
4. The use of all available/reliable data from other sources, such as Medicare and Medicaid sanctions, hospital sanctions, malpractice payouts, and the criminal justice system
5. Excellent leadership
6. Independence from state medical societies
7. Independence from other parts of the state government so that the board has the ability to develop its own budgets and regulations
8. A reasonable legal standard for discipline (“preponderance of the evidence” rather than “beyond a reasonable doubt” or “clear and convincing evidence”)
- 9.

RCW 18.130 “Parsed”

See Page 4.

Complaint Handling

CPGB Long Range Planning

% of complaints, deemed not to merit further investigation

- Are these “unfounded” complaints?
 - Frivolous, malicious, manipulative?
- What is the % of CPGB complaints?
- How much of a burden are they:
 - On the “system” ?
 - For practitioners?
- Implications for guardians?
- Are these numbers, ranking valid?

	Practitioners (P.57)	Number of Complaints Received (PP 63-64)	%	Closed Prior to Investigatn (PP 67-68)	% Closd Prior
Social Workers "Advanced"	96	13	14%	12	92%
Licensed Practical Nurses	13,975	1,025	7%	729	71%
Registered Nurses (ARNP?)	83,381	2,371	3%	1,448	61%
Hypnotherapists	683	19	3%	10	53%
Naturopathic Physicians	1,035	46	4%	23	50%
Social Workers Ind "Clinical"	3,322	124	4%	61	49%
Physical Therapists	5,577	91	2%	43	47%
Mental Health Counselors	5,099	227	4%	104	46%
Osteopathic Physicians	1,261	186	15%	82	44%
Sex Offender Treatment Providr	149	30	20%	13	43%
Psychologists	2,422	145	6%	57	39%
Dentists	6,155	991	16%	389	39%
Marriage & Family Therapists	1,237	47	4%	18	38%
Occupational Therapists	2,876	48	2%	18	38%
Pharmacists	8,861	313	4%	115	37%
Veterinarians	3,343	240	7%	78	33%
Physicians	25,783	2,532	10%	713	28%
Chiropractors	2,334	343	15%	96	28%
Nursing Home Administrator	453	116	26%	31	27%
Chemical Dependency Profnl.	2,821	490	17%	103	21%

UDA TOTALs 381,089 17,609 5% 9,013 51%

Professional Guardians 293 50 17%

Per 2009-11 Biennial Report, Health Systems Quality Assurance, Washington State

Complaint Handling

CPGB Long Range Planning

Serious Discipline Per 1,000 Practitioners

- Are "Serious Discipline" counts a useful measure?
- Can a discipline system be "counter productive" ?
If so, when? Under what circumstances?
- What proportion of valid CPG complaints are captured by the current "grievance" system?
- Are these numbers, ranking valid?

	Practitioners (P.57)	Number of Complaints Received (PP 63-64)	%	Closed Prior to Investigatn (PP 67-68)	% Prior	Closed, Withdrawn etc.	Sanctions Imposed (P.89)	Serious. Discipline Per1,000 Practners	
Chemical Dependency Profnl.	2,821	490	17%	103	21%	271	154	54.6	S
Sex Offender Treatment Providr	149	30	20%	13	43%	31	3	20.1	S
Chiropractors	2,334	343	15%	96	28%	285	44	18.9	C
Nursing Home Administrator	453	116	26%	31	27%	93	8	17.7	B
Dentists	6,155	991	16%	389	39%	901	77	12.5	C
Osteopathic Physicians	1,261	186	15%	82	44%	178	14	11.1	B
Veterinarians	3,343	240	7%	78	33%	208	31	9.3	B
Physicians	25,783	2,532	10%	713	28%	2,239	171	6.6	C
Psychologists	2,422	145	6%	57	39%	137	15	6.2	B
Pharmacists	8,861	313	4%	115	37%	288	53	6.0	B
Licensed Practical Nurses	13,975	1,025	7%	729	71%	933	83	5.9	?
Mental Health Counselors	5,099	227	4%	104	46%	219	25	4.9	S
Marriage & Family Therapists	1,237	47	4%	18	38%	46	6	4.9	S
Registered Nurses (ARNP?)	83,381	2,371	3%	1,448	61%	2,141	248	3.0	C
Hypnotherapists	683	19	3%	10	53%	16	2	2.9	S
Naturopathic Physicians	1,035	46	4%	23	50%	40	3	2.9	AC
Occupational Therapists	2,876	48	2%	18	38%	31	5	1.7	B
Social Workers Ind "Clinical"	3,322	124	4%	61	49%	129	4	1.2	S
Physical Therapists	5,577	91	2%	43	47%	82	5	0.9	B
Social Workers "Advanced"	96	13	14%	12	92%	14	0	0.0	S
UDA TOTALS	381,089	17,609	5%	9,013	51%	15,527	1,942	5.1	
Professional Guardians	293	50	17%				5	17.1	B

Five (5) serious CPG sanctions imposed per year is an estimate. It excludes continuing education credit violations, and all but the most serious and repeated delays in meeting court filing dates.

Statistics taken from 2009-11 Biennial Report, Health Systems Quality Assurance, Washington State

**RCW 18.130 REGULATION OF HEALTH PROFESSIONS —
UNIFORM DISCIPLINARY ACT “Parsed”**

(1)(a) The secretary, in consultation with the disciplining authorities, shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a license holder, applicant, or unlicensed person.

The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for establishing time periods for

- initial assessment,
- investigation,
- charging,
- discovery,
- settlement, and
- adjudication

of complaints, and shall include

- enforcement provisions for violations of the specific time periods by the department, the disciplining authority, and the respondent.

A license holder

- must be notified upon receipt of a complaint, except when the notification would impede an effective investigation.

At the earliest point of time

- the license holder must be allowed to submit a written statement about that complaint, which statement must be included in the file.

- Complaints filed after July 27, 1997, are exempt from public disclosure under chapter 42.56 RCW until the complaint has been initially assessed and determined to warrant an investigation by the disciplining authority.

- Complaints determined not to warrant an investigation by the disciplining authority are no longer considered complaints, but must remain in the records and tracking system of the department.

- Information about complaints that did not warrant an investigation, including the existence of the complaint, may be released only upon receipt of a

- written public disclosure request or pursuant to an interagency agreement as provided in (b) of this subsection.

- Complaints determined to warrant no cause for action after investigation are subject to public disclosure,

- must include an explanation of the determination to close the complaint, and must remain in the records and tracking system of the department.

I have been told that you will be discussing guardians visiting their wards again. I thought that was decided a few months ago? In case anyone forgot the GAO report of 2010, this is what it says about a professional guardian in Washington State: Is the WAPG happy about what this person did? What do you tell family members when they ask you when was the last time you saw their loved one? I bet they aren't very happy are they?

"In another case, a court appointed attorney found that the guardian failed to visit the ward for 8 months and was 9 months delinquent in filing a personal care plan and asset inventory for the ward". The guardian received disciplinary letters for both cases, but continues to serve as guardian for 86 incapacitated adults. She is also a representative payee for 69 beneficiaries at SSA, 3 beneficiaries at VA and 2 beneficiaries at OPM. Why can't the public find out who did this – or is transparency dead when it comes to the Guardian Board?

In Yesterday's ^{Seattle} Times, there was an article about Doug Lipp – a Southern California person who runs a consulting firm based on Disney U. Here are two things written up in the article that can apply to guardians.

1. Too many corporate CEOs, forget they need to get out of their offices and walk their workplaces, interacting with employees and customers – in your case, your clients.
2. Keep it human. Wards aren't "attendance numbers. You get so focused on processing patients... you forget you're dealing with humans. They're not just numbers on a spreadsheet – they are a member of someone's family. Someone who is loved. Again: what do you tell family members when they ask when was the last time you saw their family member? Are they happy?

My mother's guardian used a "Case manager" for mom. He only got involved when she got really sick. What's the excuse now? You don't have the time? Or it takes you away from more important work? What's more important than seeing what is going on in real time with your ward? If you can't see your client in person at least once a month, maybe you should be replaced. And why can't the public see who this guardian or agency is? Maybe the US Senate should be told that Washington's guardians are going backwards instead of being proactive when it comes to protecting our most vulnerable citizens.

Thank you.